

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DANIEL NAZAR

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Plaintiff

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vs.

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CIVIL ACTION NO. MJG-17-3444

SHORELINE PROPERTIES, INC.,
et al.

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Defendants

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ORDER APPROVING SETTLEMENT

The Court has before it the Joint Motion to Approve Settlement Agreement [ECF No. 12] and the materials submitted relating thereto. The Court finds neither a response nor hearing necessary.

The provisions of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201, et seq. are, generally, not subject to modification by contract or settlement. Brooklyn Sav. Bank v. O'Neil, 324 U.S. 697, 706 (1945). However, there is an exception if a district court approves a settlement that reflects a reasonable compromise of disputed issues between an employer and an employee who has brought a private action for unpaid wages pursuant to Section 216(b).

Pursuant to Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982), a district court "may enter a stipulated judgment after scrutinizing the settlement for fairness." Id. at 1353; see also Saman v. LBDP, Inc., No. CIV.A. DKC 12-1083, 2013 WL 2949047, at *3 (D. Md. June 13, 2013) (noting that district courts in

the Fourth Circuit typically follow the Eleventh Circuit's analysis in Lynn's Food Stores).

The instant case was settled at an early stage so as, reasonably, to avoid the expense of formal discovery proceedings. The case presented issues as to which each side had non-frivolous positions and the outcome was uncertain. The parties were represented by counsel experienced in FLSA litigation who believe that the settlement is fair and reasonable. There is no reason to suspect any fraud or collusion.

In sum, the record reflects that the settlement is in a range of reasonableness as well as the absence of any reason to put the parties to further expense that would be disproportionate to the amount at issue.

Accordingly:

1. The Joint Motion to Approve Settlement Agreement [ECF No. 12] is GRANTED
2. The proffered Order shall be issued.

SO ORDERED, on Tuesday, March 06, 2018.

/s/_____
Marvin J. Garbis
United States District Judge